

Magistrate Judge S. Kate Vaughan

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN THE MATTER OF THE SEIZURE OF:

No. **2:22-mc-00060-SKV**

Apple iPhone 11, Apple iPad, Apple MacBook Pro, SanDisk branded 16GB thumb drive, and Unbranded USB 3.0 thumb drive

MOTION TO SEAL SEIZURE WARRANT AND RELATED MATERIALS

**(FILED UNDER SEAL)**

The United States of America, by and through Nicholas W. Brown, United States Attorney for the Western District of Washington, and Martha A. Paluch, Assistant United States Attorney for the District of Colorado, who was conditionally admitted and qualified to practice as an attorney in the Western District of Washington as of June 24, 2022, respectfully requests that this Seizure Warrant, Application for Seizure Warrant, and related documents in this matter, including this Motion and its attendant Order, be sealed pending further order of the Court to protect the ongoing criminal investigation. The United States of America further respectfully requests that notwithstanding the requested sealing order, the Government retain the authority to produce the materials subject to this Court's sealing order as part of its discovery obligations in a criminal case.

Federal courts are empowered to seal documents in appropriate circumstances. *Cf.* Fed. R. Crim. P. 6(e)(4) (sealing of indictments). It is well-settled that federal courts have inherent authority to control papers filed with the court, *United States v. Shryock*, 342 F.3d 948, 983 (9th Cir. 2003), including the power to seal affidavits filed with

1 seizure warrants in appropriate circumstances. In *Times Mirror Company v. United*  
2 *States*, 873 F.2d 1210 (9th Cir. 1989), the Court recognized that “information disclosed to  
3 the magistrate in support of the warrant request is entitled to the same confidentiality  
4 accorded other aspects of the criminal investigation.” *Id.* at 1214. This inherent power  
5 may appropriately be exercised when disclosure of the affidavit would disclose facts that  
6 would interfere with an ongoing criminal investigation. *Cf. United States v. Napier*, 436  
7 F.3d 1133, 1136 (9th Cir. 2006) (noting that a sealed search warrant protects the  
8 “government’s interest in maintaining [the] integrity of ongoing criminal investigations  
9 and ensuring the safety of the informant”).

10 In support of this request, the government states that these documents discuss an  
11 ongoing criminal investigation that is neither public nor known to all of the targets of the  
12 investigation. Specifically, the two individuals identified as Conspirator 1 and 2 in the  
13 Indictment returned in this case, Case No. 22-cr-00202-RM in the District of Colorado,  
14 have not been charged. If they learn of the instant motion, it may cause them to flee  
15 thereby rendering their apprehension more difficult.

16 Therefore, the United States of America respectfully requests that the documents  
17 in this case be sealed until the earliest of the following: (a) two weeks following the  
18 unsealing of any charging document in a matter for which the warrant was issued, and  
19 specifically, a charging document relating to Conspirator 1 and 2; (b) two weeks  
20 following the closure of the investigation for which the warrant was issued; or (c) sixteen

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1 months following issuance of the warrant, unless the Court, upon motion of the  
2 government for good cause, orders an extension of the Order.

3 DATED this 12th day of July, 2022.

4  
5 Respectfully submitted,

6 NICHOLAS W. BROWN  
7 United States Attorney  
8

9 /s/ Martha A. Paluch  
10 MARTHA A. PALUCH  
11 Assistant United States Attorney  
12 Chief, Economic Crimes  
13 United States Attorney's Office  
14 District of Colorado  
15 1801 California Street, Suite 1600  
16 Denver, CO 80202  
17 (303) 454-0353  
18 [Martha.paluch@usdoj.gov](mailto:Martha.paluch@usdoj.gov)  
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Magistrate Judge S. Kate Vaughan

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN THE MATTER OF THE SEIZURE OF:

No. **2:22-mc-00060-SKV**

Apple iPhone 11, Apple iPad, Apple MacBook Pro, SanDisk branded 16GB thumb drive, and Unbranded USB 3.0 thumb drive

ORDER SEALING SEIZURE WARRANT  
AND RELATED MATERIALS

**(FILED UNDER SEAL)**

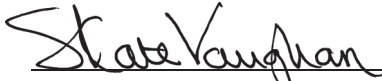
Based upon the motion of the United States, and the representations made therein, and good cause having been show:

IT IS HEREBY ORDERED that the seizure warrant, seizure warrant return, application and affidavit in support of the same, and all attachments in this matter, along with this motion and order, shall be sealed and shall remain sealed until the earliest of the following: (a) two weeks following the unsealing of any charging document in a matter for which the warrant was issued, and specifically, a charging document relating to Conspirator 1 and 2; (b) two weeks following the closure of the investigation for which the warrant was issued; or (c) sixteen months following issuance of the warrant, unless the Court, upon motion of the government for good cause, orders an extension of this Order. Nothing in this Order is intended to create or supersede any other applicable obligation under law.

1 IT IS FURTHER ORDERED, that on or before the earliest of the dates specified  
2 above, the government shall file a motion in which it either (1) provides good cause for a  
3 further order of this Court permitting these documents to remain under seal for an  
4 additional period of time, or (2) requests an order of this Court to unseal this warrant and  
5 all related documents, including the motion and order to seal the same. In the event the  
6 government fails to file the motion required by this Order on or before the earliest of the  
7 three triggering events, and the Court has not otherwise extended the sealing period  
8 following a showing of good cause by the government, the Clerk of Court shall unseal  
9 this warrant and all related documents without further order of the Court.

10 IT IS SO ORDERED.

11 DATED this 13th day of July, 2022.

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15 S. KATE VAUGHAN  
16 United States Magistrate Judge

17 Presented by:

18  
19 /s/ Martha A. Paluch  
20 MARTHA A. PALUCH  
21 Assistant United States Attorney  
22 Chief, Economic Crimes  
23 United States Attorney's Office  
24 District of Colorado  
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